TO THE FEDERAL COMMUNICATIONS COMMISSION

MASS MEDIA DIVISION: DOCKET 99-25

REPLY COMMENTS TO THE COMMISSION FROM COSMOPOLITAN ENTERPRISES OF VICTORIA, INC. LICENSEE OF KTXN-FM OF VICTORIA, TEXAS AND JOHN J {JOE} TIBILETT I AS INDIVIDUAL AND CHIEF STOCKHOLDER

1. Commentator is against Low Power FM Radio for a number of reasons, firstly commentator is against LPFM Radio Station, {those radio stations that are less than 1000 watts affective radiated power] for the reason of being a non-beneficial use of broadcast spectrum, also because of the fact that by being lowpower they are in many cases utilizing a transmitter or transmitting equipment that is not as stable and professionally made as those of commercial radio stations that is already on their and existing stations. Also LPFM Radio will tend for the market place to be confused by a number of new stations being on the air. It will cause the advertising community to be

further spreading its dollars among numerous stations.

Recent material from BIA shows that the bulk of the FM Radio Stations in the United States are losing money today, this will further complicate matter. Another problem with this large number of LPFM stations is the fact that much of them will cause the listening community, to become concerned that the FM Broadcast bank is cluttered and will tend to avoid the broad-casting band completely. They will turn to other media's such as internet, the new digital broadcasting that will be coming, which will allow pay per view and pay per audio for automobiles, to the exclusion of broadcasting and the local stations. These stations will be so numerous that the listener will get the ideal that there is a weak signal and there is no sense in listening because they can't get a good signal. When the truth of the matter is that there will be so many of them, one on top of the other that many radios will not be able to separate one station signal from another.

2. As an example of this, most small radios that are found in places like Radio Shack, and various other radio shops are not

graduated with lines on them to distinguish one frequency from the other. And with lines on them to distinguish one frequency from the other. And since they do not use a digital display of the frequency that is tuned, s quite confusing to find a particular radio station. Since there is no detent-tuning device, which will allow one to push a button and pre- detent-tuning device, which will allow one to push a button and pre- set a particular frequency. Additionally, as a result of this there will be difficult problems with finding various radio stations on these radios many of them are very small, used in many cases with batteries by the general public, for emergency purposes. As a matter of speaking the situation with the emergency broadcasting system, the EANS of today is the system set by the government to allow for notification of the community. There is a serious difficulty in that; there are break-downs in the chain of command. The system which was intended to give emergency warning to specific general area, be it zip code, or a potion of a county, or city is not getting through to its intended target area, even by top-flight broadcasters and the best equipment. These are commentary observations by Dave Mathyis, chief engineer of KVET AM & FM and KASE Fm, Austin, Texas. There is such

confusion with this system right now that commuter feels LPFM would only make this, an impossible situation because of the added LP interference.

3. Another problem with this is that the lower power radio stations may not have trained operators who are familiar with the general broadcast engineering requirements of the federal communications commission. They would not understand a problem, which would interfere with other radio stations. As to the matter of interference, the proponent [Rodger Skinner} who resides in the state of Florida contends that there has been no complaints of interference due to short spacing of full power classed radio stations. This is a misleading statement; the reason is very simple, the radio stations were on the air first and they did not interfere with any body and then found that because the FCC changed the standards, they were theoretically interfering with other radio stations. As an example of this, in Austin, Texas radio station KKMJ {95.5} and a radio station in the city of Waco Texas [some 90 miles to the north of Austin} were at one time on the same frequency. The maximum signal that could be radiated by KKMJ to this station was 10,000 watts, which was the old

maximum power when these stations were operating under the old rules of interference. It is true that there was theoretically a short spacing but the 2 stations did not interfere with each other. The reason for this is they were based on engineering spacing and not on number spacing. Also in these cases, these stations being quote "Short spaced" co-channel, first, second and third adjacent channels on plus or minus their co-channel frequency. There are people who are listening to these stations for many years and are aware of the situation, and if there is an apparent inference, they are simply ignoring it, because they are listening to the station.

4. Now take the other situation, the placement of new low power FM radio stations on the dial, on the second and third adjacent channels, to the various other radio stations will be an entirely different situation. In which people for the most part will be taking territory that belonged to other radio stations. And there will be an apparent loss of coverage, which was not the case with existing stations that found themselves short spaced. A good example of short spacing is the class A radio station which previously had a maximum height before 1963 in the second report in order:

Docket 14185, which set up the FM classes of radio stations. This station had a maximum power of a 1000 watts and 150 feet. Many stations built of this facility on the West Coast and East Coast and in some cases in the Midwest found themselves short spaced, in other words not meeting the spacing for co-channel stations, when the FCC built in the new rules in the Docket 14185 which allowed the stations of this class to go up to 3000 watts and 300 feet. Previously a spacing of 40 miles between stations was perfectly ok and found quite often in the directions and locations which I have mentioned. It is not the case today that this 40 miles is acceptable because the 3000 watts and 300 feet height required a minimum co-channel spacing of 65 miles. A problem arose with the 3000 watts stations and the FCC upon the pleas of the operators, granted their request for more power to be more competitive with other radio stations, to a power height of 6000 watts and 300 feet. Ultimately this 300 feet was raised to 328 feet when the digital change occurred as to rules. The problem is that co-channel spacing became 71 miles and thus co-channels stations were short spaced even more so.

5. The use of directional antennas is an anathema, because they will

ultimately, they will find places all over the dial, which can be utilized, and in affect even more clutter to the broadcasting industry.
There is a serious concern that the Lowpowered radio stations will attempt to become full-fledged radio stations by increasing power in a directional mode. Thus creating more clutter on the broadcast band. It has been the experience of this commentator that the various radio stations of the am band on many occasions in the past have asked for power increases and had to become directional.
This is a very serious problem and can create much in the way of confusion and maintenance difficulties should improper operations occur. Directional stations are limited to certain criteria today in Part 73 of the rules and regulations. Translators are limited in some respects to be directional in their measurement of signal or their power in various directions, according to Part 74, Part 1200-1204 of the rules and regulations. In the case of low-powered translators there are criteria for the non-over lapping of purposed stations contours with existing station contours. Even in the case of translators with power under 250 watts, there is a criteria that there be a non-overlap of stations out to the third adjacent channels.
If this being the case there should be more consideration given

to why this should be. Radios of today are not capable of distinguishing two channels removed from each other. If one visit a country such as Mexico where this is often occurring, you will find that small radios are not able to spilt the two stations and their signals. What will happen is that there is a desired station with a sub signal or a weaker signal from the other station, two channels removed, that is underneath it. This phenomenal will be a fact like going to a church where two soloist are practicing at different points in the church and being between them, you would in reality hear both of them.

6. FM Radio Stations which today are the main source of radio listening in the United States, have had criteria of service that existed only in the 1950 era when Fm Radio was not as commonly used as it is today. These contours of operations of signal strength need to be re-apprised in light of new developments in receiver technology. A good example, in 1964 when KTXN-FM got its approval for its first radio facially, that on 92.1 with 3000 watts, we were required to show the 50-microvolt contour, that is the 34 DVU contour and addition to our city grade which was 70

DVU with 3.16 MV-M contour and the 1 MV-M contour or 60 DVU. In modern day an application is only required to show the city grade and the 60 DVU contours. The other contour that of the 50 micro volts or 34 DVU is not required to be showed. There must have been coverage acceptable to the listening community for the FCC to require the 34 DVU contour to be listed in applications.

7. Commentator feels that there should also be a total re-appraisal of coverage of radio stations signal strengths in light of new receivers. As for an example, KAJI which operates in the Victoria, Texas area is operating with signal strength of less than 60 DVU over a good potion of its city of operation Victoria, Texas. Albeit the fact that it is licensed to Point Comfort, Texas, some 25 miles away. The 55 DVU signal or 45 DVU signal that is able to be listened to in Victoria County area gives the station a much wider coverage area than that is given by the 60 DVU. The matter of forcing all stations to go up to the maximum of facility for their respected classes. As for example, over 1000 to 2000 feet for a Class C station is a serious problem that must be addressed. KTXN-FM does not feel that it should be required to go up in facility

over 1000 feet to maintain the coverage area it presently has. According to other Dockets that the FCC is purposing at this time, which would interlock with low power radio stations being allowed to broadcast in the territory which presently receives a signal less than the protected 60 DVU contour of KTXN-FM. KTXN-FM can and will show for an example that, that contour of 60 DVU is not the limit to its signal strength and not the limit to its coverage area. Regular listeners to this station have listened as far away as 125 miles in Lake Jackson, Texas, a city of right at 100,000 population, but does not have a radio station of its own and would be subject to a possible LPFM station should one be allowed. In any of that KTXN-FM feels that the FCC should show a requirement that FM stations be required to serve the area that would be served by a maximum facility of their class to a degree of contour of signal strength that would be adequate for the type of coverage area involved. We are speaking for example of a rural area that for the most part exist out to the end of the coverage area, that KTXN-FM would at a 2000-foot level be giving coverage. The FCC has long recognized the need for various levels of coverage in the AM Band and thus given criteria for allocation of new radio stations and radio station classes based

upon this; it is this concept that commentator wishes the FCC to re-define in coverage area before LPFM stations be assign to these areas, that would be receiving a signal strength of less than 60 DVU or 1 MV-M.

8. Commentator wishes to require the adoption of rules of certification of service of radio receivers as to the selectively and sensitively of the receivers. And this is required on all radios that shall be made for the United States. This is not new in the respect that the UHF legislation of 1964 required that all TV sets manu-factured for use in the United States is required to receive UHF television channels. Commentator feels that this be required along with some means of proper identification of reception frequency station dial position is on all radios. . Albeit the small transistors and the larger sizes for purpose of emergency notification.

9. Commentator upon his 35 years plus experience in broadcasting feels that broadcasting station want-to-be's should recognize that lowpower does not necessarily mean low cost of operation. It has

been the experience of this broadcaster that a minimum budget for a LPFM Station does not differ vastly from that of a full-fledged radio station in the same market. The only cost that will differ is most times a lateral relationship between powers. All other cost will remain essentially the same. Low power means low coverage and less advertising dollars. Low coverage means less advertising dollars because in many cases there are not the desired areas and numbers of people to be served. The cost of operation of a Low Power FM station did not appreciable differ from a full-fledged FM radio station in the same market. The radio stations that are small operations, the cost of $24,000.00 per month is the norm, even if Low Power FM was used. A good example of a transmitter bill that exist in smaller markets is that of a 3 kilowatt transmitter which will have a power bill of approximately $500.00 per month. This $ 500.00 bill does not include the studio bill, which will be constant regardless of any power use of the transmitter. A 20 kilowatt and above transmitter will consume a power that will cost over $2500.00 per month. With this and rest of the bills for operating a radio station will show that a LowPower FM does not mean low cost operation. The only thing low about Lowpower radio station is the fact that it has

a lower power transmitter, which in it self means a lower power signal strength and lower coverage area. Additionally the problem of interference between the Lowpower stations must be taken up and serious questions arise as to acceptably of interference here, that must be addressed after the criteria of service has been addressed. As previous cited in paragraph before this one.

10. Applicant for a radio station must also be aware of harsh realities of the business world of operating such an entity. One of them is the fact, that there are methods that are required to be mastered and applied in broadcasting and station operations. The most paramount of which is paying bills. The question is, as plaintive as it has been raised, of the under representation of minorities in broadcast owner ship is one that must be addressed in light of harsh realities that all applicants and owners must face. That is, there must be a pro-fessional approach to the business operations. In the market of San Antonio, Texas there have been at least 3 minorities [Hispanic} and 1 black ownership that become candidates and ultimately to become bankrupted. The reason has been in many cases not adhering to professional business standards of operations. A good

example of this is not paying bills or other wise not using professional sales approaches in the attitude of sales people. Many sales people in minority radio stations do not go to Anglo business community as possible advertisers. Thus it limits their advertising potential. And other problems involved are not paying taxes on time, there was one radio station, independent operator, and Hispanic woman, which were seized for non payment of taxes by the IRS for over $185,000 in South Victoria, Texas recently. The matter of managing and operating a business should be directly addressed to any one who considers being a station owner, however the FCC can not force one to become business savvy. The only answer that can given by commentator is there must be some courses that should be taken in various schools or by entrepreneur associations on how to run a radio stations, how to set up business plans and set up budgets.

11. Commentator believes that any new stations to be built under the LPFM concept should not be at any time LMAED or other wise sold to any other station group that already owns more than one station in the market. Being defined as within the city grade

contour of the other radio station, nor in any way part of DMA {dominate metropolitan area} such that no station can be put on the air under the guise of being an independent operator for 1000 watts, like in Lockhart, Texas an ultimately end out as a satellite for an Austin radio station. These comments on Docket Mass John J {Joe} Tibiletti, President of, presents Media 99-25 KTXN-FM Victoria, Texas. KTXN-FM wishes to offer its facilities in any experiments relative to the understanding of concepts described in this particular comment.

PS: REPLY COMMENTS ADDED:

1. I am concerned about these LPFM stations combining their signals with other stations. Their signals combining and causing blanketing interference and preventing other radio stations from being heard. As for around KTXN-FM signals site, we blank out a number of other stations, and they would blank out and cause interference with reception of other stations. In many cases to other services, like sheriff department radio and such as this. Thus there should be a tighter technical restriction on their operation of transmitters.

2. Should there be a grant of the concept of LPFM, it should be one to customer basis, not a gang or chain of them to one particular person. Additionally we are concerned about the fact that this person can not be a member nor employee of a greater group of stations that would use this in any way. That they would be independently operated and each station stands on its own.

3. Concerning my comments on the advertising community in a previous paragraph, I wanted to inject that there has been no survey done among the advertising community to determine their response to the need of LPFM or if they would consider using it. Additionally since more and more small business of the mom and pop variety are going out of business. In the shadow of the large Walmarts and such they would be going against a decreasing marketplace. And thus they would not have a marketplace in which to draw.

4. In previous years the FCC required that a station have at least a year of expenses ready in case they needed it. Which means if you are talking $24,000.00 a month as a minimum operation cost, you are talking every bit of $300,000.00 that would have to be in someone's hand or credit in

order to operate. So in essence what we are saying is, that if some one thinks this is a means end, like the golden opportunity to make a lot of money, we are talking at least $400,000.00, at least $50,000.00 for 100 watt for equipment, at least $75,000.00 for 1000 watt for equipment.

5. Further comments on the LPFM stations for being in the domes and stadiums for the NHL games, commentator wishes to call attention to the fact that these should be on the frequency which already mentioned that is not being used VHF Television stations in respected areas. We feel that there would be major problems with these stations being in the domes and stadiums.

6. These are post comments on the reply comments to Docket Mass Media 99-25. Commentator feels that should the need be proven for LPFM radio stations. That there should be a further consideration given to, first off who should receive them, and secondly what frequency should be used in light of the problems connected with operating on second adjacent channels. Commentator has participated in the Acamba Docket which ask for lowpower translators to add to the night time coverage of Am stations that is limited or unable to operate at night. Commentator would like to say again in his estimation is the highest priority being as these stations

are needing to have a night time help in order to compete with Fm and of course any other media. There is a very serious problem with finding frequency for LPFM, and commentator feels that the blank VHF and UHF TV channels in various areas be utilized for spectrum for use of LPFM Stations. This is already done in case of Los Angeles County and channel 18 for the sheriffs department and their radios. It is already done in Hawaii and Alaska for government agencies and various communications devices. And this would allow for as in the case of Los Angeles, Channels 3, 6,8, 10, and 12 to have an excess of possibly 100-200 radio stations per frequency or per channel, which would allow for better LPFM coverage. For example take channel 3 in Los Angles; give 1/2 Mhrtz at top & bottom of channel for guard band. 5 Mhrtz remaining will have enough room for 10 F M frequencies per Mhrtz. This yields 50 new F M dial positions per vacant T V channel or additional 250 vacancies in Los Angles alone. Since this in realty should be a new service complete and radios should be allowed to pick this up as a new service.

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